

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

January 4, 2005

FILE

OFFICE OF
MANAGING DIRECTOR

Dan J. Alpert, Esq.
Counsel for Eagle Bluff Enterprises
2120 N. 21st Road
Suite 400
Arlington, VA 22201

Re: Request for Waiver of FY 2004
Regulatory Fee
Fee Control No. 00000RROG-04-080

Dear Sir:

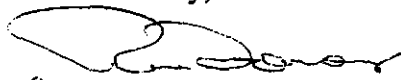
This is in response to the petition for a waiver of the Fiscal Year 2004 (FY 2004) regulatory fee that you filed on behalf of Eagle Bluff Enterprises (Eagle Bluff), licensee of Radio Station KBMV (AM), Birch Tree, Missouri. You request a waiver, asserting that KBMV is dark (not operating).

Our records confirm that KBMV has been dark since January 31, 2004. There is a pending request for an extension of special temporary authority to remain silent. In Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995), the Commission, noting that dark stations are generally either without or with greatly reduced revenues, and that imposition of a regulatory fee could be an impediment to the restoration of service by dark stations, held that it would waive the regulatory fee for stations which have ceased operation.

Accordingly, your request is granted and the FY 2004 regulatory fee for Eagle Bluff Enterprises, as licensee of AM Radio Station KBMV, is waived. The waiver shall remain in effect until the station is reactivated.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

00000R206-04-080

The Law Office of
Dan J. Alpert

2120 N. 21st Rd.
Suite 400
Arlington, VA 22201

(703) 243-8690

(703) 243-8692 (FAX)

August 16, 2004

RECEIVED - FCC

AUG 16 2004

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th St. S.W.
Washington, DC 20554

Federal Communication Commission
Bureau/Office

Re: *Eagle Bluff Enterprises*
Licensee of Station KBMV(AM)
Birch Tree, MO
Facility No. 29622

Dear Mr. Fishel:

Eagle Bluff Enterprises, by its attorney, hereby requests a waiver of its 2004 Annual Regulatory Fee. In support thereof, the following is stated.

In the Memorandum Opinion and Order issued with respect to Implementation of Section 9 of the Communications Act, FCC 95-257 (June 22, 1995), the FCC recognized that waivers of the annual Regulatory Fee was appropriate in certain instances, and specifically determined that it would grant waivers to licensees of broadcast stations which are dark (not operating). The Commission recognized that an imposition of regulatory fees could be an impediment to the restoration of broadcast service, and that such it would be unnecessary for such stations to make any further showing to warrant grant of a waiver. Id. at ¶ 15.

Eagle Bluff Enterprises is licensee of Station KBMV(AM), Birch Tree, Missouri. The station currently is dark. Attachment 1. Accordingly, a waiver of the 2004 Annual Regulatory Fee is appropriate.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,

Dan J. Alpert

Counsel for Eagle Bluff Enterprises

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

**IN REPLY REFER TO:
1800B3-ALM**

March 4, 2004

Dan J. Alpert, Esquire
2120 North 21st Road
Suite 400
Arlington, Virginia 22201

**In re: KBMV(AM), Birch Tree, MO
Facility ID No. 29622
Silent Since January 31, 2004
Request For Special Temporary
Authority To Remain Silent**

Dear Mr. Alpert:

This letter concerns your request, filed on March 3, 2004, on behalf of Eagle Bluff Enterprises ("Eagle Bluff") for Special Temporary Authority to permit AM Station KBMV to remain silent.

The Commission has previously received notice that the station went silent on January 31, 2004. You state that the station went silent on that date because Eagle Bluff lost the station's transmitter site and tower. Eagle Bluff seeks authority for KBMV(AM) to remain silent until it can request Special Temporary Authority for the use of a new transmitter site and technical parameters. Eagle Bluff's request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.¹

Eagle Bluff's request will be granted. Accordingly, special temporary authority is granted to permit AM Station KBMV to remain silent for a period not to exceed ninety days from the date of this letter. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for KBMV(AM) will automatically expire as a**

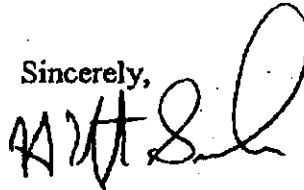
¹In the event of extension of Special Temporary Authority is sought, please renew the certification in this matter.

matter of law if broadcast operations do not commence by 12:01 a.m. January 31, 2005.² See Section 312(g) of the Communications Act, 47 U.S.C. Section 312(g).

Please note that, if a directional AM station remains silent for more than six months, prior to returning to operation it must file a request for special temporary authority for operation with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. Within 30 days following its return to operation, the station must file an application on Form 302-AM for direct measurement of operating power, accompanied by a partial proof of performance for the directional antenna system.

The station's silent status does not suspend the licensee's obligation to comply with all other relevant Commission rules, including the filing, when appropriate, of applications for renewal of broadcast license. Finally, we note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the station's towers shall be maintained until they are dismantled. See 47 C.F.R. Sections 17.6 and 73.1740(a)(4).

Sincerely,



H. Taft Snowdon
Supervisory Attorney
Audio Division
Media Bureau

²Notification of resumption of broadcast operations must be mailed to:

Federal Communications Commission
Attn: 1800B3-ALM, Room 2-B450
445 12th Street, S.W.
Washington, D.C. 20554